

Guide for Review of Lead-Based Paint Compliance in Tenant-Based Rental Assistance (TBRA)			
Name of Program Participant:			
Staff Consulted:			
Name of Grant Program(s) Reviewed:			
Project File Name/Location:		Date Funds Awarded:	
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to evaluate compliance with lead hazard requirements applicable to CPD programs that provide Tenant-Based Rental Assistance (TBRA). This Exhibit is divided into two sections: Section A and Section B. Section A pertains to examination of individual files to assess project compliance. Complete a separate Section A for each file reviewed. Section B contains questions evaluating overall program compliance and is to be completed a single time based on the individual file reviews and in conjunction with program participant staff interviews. Information on LBP sampling guidance and developing corrective actions is given in Chapter 24, Section 24-6.

Questions:

A. INDIVIDUAL FILE REVIEW

1.

Was this project evaluated for applicability of the Lead Disclosure Rule and the Lead Safe Housing Rule? (If the response is "yes" AND the project meets the regulatory exemption standards, skip to Section B. If "yes" and the project is <u>not</u> exempt, continue with the remaining questions in Section A.) [24 CFR 35.115]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

Exhibit 24-6
Lead-Based Paint Compliance

2.

<p>In units that are not otherwise exempt, the LBP requirements for Tenant-Based Rental Assistance apply only to units with children under age six. Based on your review, is there evidence of occupancy in the assisted household by a child under age six? (If there is no child under age six, skip to Section B unless such a child is expected to reside there. If there is a child under age six residing there, or such a child is expected to reside there, the unit is covered by the rule. Continue with the remaining questions in Section A.) [24 CFR 35.1200(b)]</p>	<input style="width: 30px; height: 20px;" type="checkbox"/> Yes <input style="width: 30px; height: 20px;" type="checkbox"/> No
<p>Describe Basis for Conclusion:</p> <div style="border: 1px solid black; height: 150px; margin-top: 5px;"></div>	

3.

<p>If the program participant is the lessor, is there documentation in the file that the assisted household received:</p> <ul style="list-style-type: none"> disclosure of all known information about lead-based paint or lead-based paint hazards; the pamphlet, "Protect Your Family from Lead in Your Home;" the lead warning statement; and available lead information, records or reports? <p>[24 CFR 92.355(c)(3)(iv) - Applicability of Lead Disclosure Rule to HOME program; 24 CFR 92.504(c)(3)(iv) - LBP Record keeping for HOME; 24 CFR 92.504(c)(3)(iv) - Lead Safe Housing Rule Provision Requiring Provision of Pamphlet].</p>	<input style="width: 30px; height: 20px;" type="checkbox"/> Yes <input style="width: 30px; height: 20px;" type="checkbox"/> No <input style="width: 30px; height: 20px;" type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p> <div style="border: 1px solid black; height: 150px; margin-top: 5px;"></div>	

Exhibit 24-6
Lead-Based Paint Compliance

6509.2 REV-5

4.

Is there documentation in the file that visual assessments of the unit were performed for deteriorated paint at the initial and periodic inspections (e.g., HUD inspection form, visual assessment report or field notes)? [24 CFR 35.1215(a)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: 		

5.

If paint stabilization above the <i>de minimis</i> amount was performed, is there documentation in the file that the paint stabilization was performed by trained or supervised workers using lead safe work practices (e.g., language in the work write-up, contract with workers, or signed certification of training)? [24 CFR 35.1330(a)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: 			

6.

If the visual assessment identified deteriorated paint above the <i>de minimis</i> amount, is there a clearance report in the file that documents that all paint was stabilized and that the work areas passed clearance before a family was allowed to occupy the unit? [24 CFR 35.1215(b)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: 			

Exhibit 24-6
Lead-Based Paint Compliance

7.

If paint stabilization above the <i>de minimis</i> amount was performed, is there documentation that the assisted household received a Notice of Lead Hazard Reduction? [24 CFR 35.1215(c); 24 CFR 35.1210(a)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: <div style="height: 80px; border: 1px solid black;"></div>			

8.

If a child with an environmental intervention blood lead level was living in the assisted unit, were the proper evaluation (risk assessment within 15 days of notice by health department or other medical health care provider), reduction of hazards (within 30 days of owner's receipt of risk assessment), and notification steps (evaluation and hazard reduction) taken? [24 CFR 35.1225]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: <div style="height: 80px; border: 1px solid black;"></div>			

B. PROGRAM REVIEW

9.

Does the program consistently and accurately assess units for the applicability of the Lead Safe Housing Rule and document exemptions? [24 CFR 35.115 - Exemptions; 24 CFR 35.1200(b) - Applicability to TBRA units with child under age six -]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: <div style="height: 100px; border: 1px solid black;"></div>		

Exhibit 24-6
Lead-Based Paint Compliance

6509.2 REV-5

10.

Do participating jurisdictions consistently provide copies of the Lead Hazard Information Pamphlet to occupants of assisted households? [24 CFR 35.1210(b)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: 		

11.

Does the program conduct visual assessments for deteriorated paint in all units covered by the Lead Safe Housing Rule? [24 CFR 35.1215(a)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: 		

12.

Is deteriorated paint stabilized by qualified workers using lead safe work practices? [24 CFR 35.1330]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: 			

Exhibit 24-6
Lead-Based Paint Compliance

13.

Is clearance consistently performed and passed after paint stabilization on projects larger than <i>de minimis</i> amounts? [24 CFR 35.1215(b)]	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Basis for Conclusion: 	

14.

Is the Notice of Lead Hazard Reduction consistently provided to assisted households? [24 CFR 35.1215(c)]	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Basis for Conclusion: 	

15.

Does the program ensure that owners of units (occupied by child/children under age six) incorporate ongoing lead-based paint maintenance activities into regular building operations?? [24 CFR 35.1220]	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Basis for Conclusion: 	

Exhibit 24-6
Lead-Based Paint Compliance

6509.2 REV-5

16.

Does the program take appropriate action when a child with an environmental intervention blood lead level is identified? [24 CFR 35.1225]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

17.

Does the program share housing data with the local health department on a quarterly basis in an attempt to match assisted unit addresses with lead-poisoned children? [24 CFR 35.1225(f)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

18.

Does the program have staff who are knowledgeable about HUD's lead-based paint regulations? [24 CFR 35.170]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

Lead-Based Paint Compliance

<p>Does the program ensure that applicants are not being denied assistance or services based on familial status or disability and that pre-1978 homes of families with children less than age six are being inspected and treated for lead hazards when triggered by the regulation?</p> <p>NOTE: The Fair Housing Act prohibits denial of services based on familial status (presence of children under age 18) or disability. [24 CFR 100.50(b)(2); 24 CFR 35.1215]</p>	<div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> Yes No </div>
<p>Describe Basis for Conclusion:</p>	